

STANDING ORDER FOR JUDGE ORRICK

APPLICABLE TO ALL CASES AS OF JULY 1, 2000

I. Law and Motion Calendar

The civil law and motion calendar is called on Thursdays at 2:00 p.m. The criminal law and motion calendar is called on Wednesdays at 2:00 p.m.

II. Certification of Interested Entities or Persons

A. To enable the Court to evaluate any need for disqualification or recusal early in the course of any case, each party to any civil proceeding must file a "Certification of Interested Entities or Persons", which must comply with the requirements set forth in General Order No. 48. The General Orders of the Court may be found on the internet at the website for the United States District Court for the Northern District of California at <http://www.cand.uscourts.gov>.

B. Each plaintiff will file its "Certification of Interested Entities or Persons" as a separate document within fourteen days of:

1. filing the complaint; or
2. receipt of a notice of removal; or
3. transfer of the action to this Court; or
4. reassignment of the action from another judge or magistrate judge of this Court.

C. Each defendant will file its "Certification of Interested Entities or Persons" as a separate document:

1. at the same time that it files its first document in the action; or
2. if the first document filed is a notice of removal, within fourteen days of filing the notice of removal; or
3. within fourteen days of transfer of the action to this Court; or
4. within fourteen days of reassignment of the action from another judge or magistrate judge of this Court.

D. Each party will file an "Amended Certification of Interested Entities or Persons" within fourteen days of learning of any new interested entities or persons.

III. Requirements for Case Management Conferences

Ten days before the initial case management conference, counsel shall file a joint case management statement addressing the issues set forth in Civ. L. R. 16-14(b).

The parties shall include in the joint case management statement a proposed pretrial schedule, setting forth the following dates:

- A. Trial date (must begin on a Monday at 8:30 a.m.). The parties should be aware that **the Court almost NEVER changes a trial date** and, thus, the date should be chosen carefully. The trial date ordinarily shall be no later than fifteen months from the date the complaint was filed.
- B. Pretrial conference date (must take place on a Thursday at 2:00 p.m., no later than **eleven days** before trial).
- C. Last date for hearing dispositive motions (must be a Thursday at 2:00 p.m., no later than **six weeks** before the pretrial conference).
- D. Discovery cutoff date, date for exchanging names, vitae, and expert reports of expert witnesses, and expert discovery cutoff date. These dates may be set at the convenience of the parties. The parties must allow time for bringing motions to compel, however, and should be aware that discovery disputes or other failure to complete discovery will not constitute grounds for vacating other pretrial dates, including the last date for hearing dispositive motions.

The parties shall also include in the case management conference statement a stipulated proposed discovery order. The stipulated discovery order shall detail the discovery tools the parties plan to use (e.g., depositions, interrogatories, document production requests). Each party shall seek no more than the ten depositions and twenty-five interrogatories permitted by the Federal Rules of Civil Procedure. Should more depositions or interrogatories become necessary at a later date, the parties may seek leave of the

Court. The discovery schedule also shall include the names of persons who will be deposed or who will receive discovery requests, the dates on which any depositions

will occur or any requests will be served, and the purpose of each deposition or discovery request.

IV. Requirements for Status Conferences

In accordance with Rule 16(a) of the Federal Rules of Civil Procedure and Civ. L.R. 16-14(c) and (d), the Court will hold periodic status conferences in order to keep abreast of the progress of the litigation, and to ensure that the parties' pretrial preparations are going smoothly. The parties will file a joint status conference report, or individual status conference reports, no later than ten (10) days before the conference. The status conference report will address the following issues: (1) the progress of the case since the last status conference or case management conference; (2) the current status of discovery; (3) the last date settlement was discussed; (4) whether the parties need the Court's assistance in facilitating discovery or settlement; (5) any unexpected difficulties encountered in the parties' trial preparation; and (6) any other issue that either party wishes to bring to the Court's attention. Each party must be represented at the status conference by counsel having detailed knowledge of the case, and of all issues raised in the status conference report.

V. Statements of Undisputed Facts

With respect to summary judgment motions and in all proceedings where a statement of undisputed facts is to be filed, **a Joint Statement of Undisputed Facts, signed by all parties, shall be filed with the motion.** The Court does not find separate statements of undisputed facts to be helpful, and will strike any separate statements that are filed. The Court will examine the evidence cited by the parties in the motion, opposition, and reply briefs to determine whether any other facts are undisputed.

VI. Oversized Briefs

Any party desiring to file or oppose a motion by a brief exceeding twenty-five pages in length, or a reply brief exceeding fifteen pages in length, shall first obtain permission of the Court. If permission is granted, such party shall also serve and file a separate document entitled "SUMMARY OF ARGUMENT AND EVIDENCE RE:

[name of brief]," not exceeding ten pages in length, which summarizes the relevant facts and law with citations to the main brief, declarations or other supporting materials.

VII. Motions for Reconsideration

See Civ. L. R. 7-9 for the procedure for filing motions for reconsideration. An application to file a motion for reconsideration must be filed no later than ten days after the filing date of the decision.

VIII. Alternative Dispute Resolution

The parties are welcome to attempt to resolve their dispute through alternative dispute resolution ("ADR"). The parties should be aware, however, that participation in ADR proceedings will not be accepted as a valid excuse for failing to comply with any deadlines in the litigation. The parties must continue to prepare for trial while attempting to settle the litigation. In addition, if the parties choose private ADR, they will file a document, forthwith, notifying the Court that they have done so, identifying the arbitrators or mediators, and setting forth the date(s) of the ADR proceedings.

IX. Amendment of Standing Order

This standing order is amended periodically. The current standing order is always available for review on the internet at the website for the United States District Court for the Northern District of California at <http://www.cand.uscourts.gov>.